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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, September 14, 1970, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower, Jerry Tuttle, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend W. A. Wallace, Minister of Woodlawn Baptist Church.

MINUTES APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, approving the Minutes of the last Regular Meeting on August 24, the Adjourned Meeting on August 26 and the Recessed Meeting on August 28, 1970.

RESOLUTION CLOSING PORTION OF LISSOM LANE IN THE CITY OF CHARLOTTE, NORTH CAROLINA.

The public hearing was held on petition of Law Engineering and Testing Company to close a portion of Lissom Lane, between Lissom Lane and Minuet Lane. Council was advised there are no objections to the street closing from the various city departments.

Mr. James E. Martin, Attorney for the petitioner, stated the property in question is on the west side of Old Pineville Road, between the Southern Railway property and it is a small section of a street dedicated in 1929. That the portion of the street in question has never been open. That Law Engineering Company owns the property on either side of the street. There are no other property owners adjoining. He stated the closing is not contrary to public interest.

Mr. Martin stated if the street is closed, the petitioner will use the property to build a new facility; that they are presently located on Old Pineville Road and would like to move to this new area.

Councilman Tuttle asked the City Attorney if the land is dedicated for use by the City or does the City actually own it? Mr. Underhill replied the City does not own it; it has been dedicated and placed on a plat for right-of-way purposes; that the law says once a street is dedicated, in order for it to be removed from dedication, it must be deemed abandoned and no longer in the public interest by the governing body of the municipality. He stated the abutting property owners basically own the property except for the right of the City to go in and accept the dedication and maintain it as a street.

Councilman Short asked if anyone uses the street at all? Mr. Martin replied no, that it is only about 25 feet in width.

Councilman Thrower asked if it would cut off any ingress or egress? Mr. Martin replied no as there is a dedicated and paved street which can be used.

No objections were expressed to the proposed closing.

Motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously carried, adopting the Resolution Closing Portion of Lissom Lane.

The resolution is recorded in full in Resolutions Book 7, at Page 135.

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RESOLUTION CONFIRMING THE ASSESSMENT ROLL AS THE FINAL ASSESSMENT ROLL FOR IMPROVEMENTS COMPLETED ON DRUID CIRCLE, FROM MORETZ AVENUE TO STATESVILLE AVENUE.

The public hearing was held on the preliminary assessment roll for improvements completed on Druid Circle, from Moretz Avenue to Statesville Avenue, by installing storm drainage facilities and constructing roll type curb and gutter, at a total project cost of \$38,639.19, of which the city's share is \$28,063.93, and the share to be assessed against the abutting properties \$10,575.26, at an assessment rate of \$3.2144 per front foot.

No opposition was expressed to the resolution.

Motion was made by Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, adopting the subject resolution confirming the assessment roll as the final assessment roll at 3:17 o'clock p.m.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 138.

OPENING OF CAVENDISH COURT TO USHER LANE AND ABINGDON ROAD, DENIED.

The hearing was held on a recommendation to open Cavendish Court to Usher Lane and Abingdon Road.

Mr. Herman Hoose, Traffic Engineer, stated this recommendation grew out of a request of City Council for a study of the Foxcroft area in April, 1970. He stated his department conducted studies in the area which included physical surveys, residence location, vehicle ownership and 24 hour, 12 hour and peak hour volume counts. He stated the total number of dwellings or homes in the area located south of Abingdon Road and east of Sharon Lane is 286. The vehicle ownership by home is 2.38 vehicles.

Mr. Hoose stated the section of Cavendish Court to be opened is approximately 320 feet, from Abingdon Way to the end of the cul-de-sac at Cavendish Court.

He stated based on a complete study of this section of Foxcroft, it is the recommendation of the Traffic Engineering Department that Cavendish Court be opened to traffic from Providence Road to Usher Lane to Abingdon Road. This was proposed by the Planning Commission, City Engineering Department and the Traffic Engineering Department on February 19, 1968. With the land changes in the area and the increased traffic volumes on all major streets, additional streets for this area are needed for good circulation into and out of this area. The opening of Cavendish Court to Usher Lane to Abingdon Road will not create a direct through traffic movement between Providence Road and Sharon Lane, but will add and create better circulation within the neighborhood and provide needed access to the major streets to the north and south.

Mr. Hoose stated based on the traffic movements, three out of every five vehicles could proceed on Providence Road past Sharon Lane to Cavendish Court to enter the Foxcroft Area. The right turns into Cavendish Court from Providence Road under the 12 hours survey period - 7:00 A.M. to 7:00 P.M. - are estimated to be approximately 559 vehicles and the left turn out about 551 vehicles which is a total of better than 1,000 vehicles. This does not include the traffic entering from this area and turning right to the east on Providence Road.

He stated if this traffic was removed from Sharon Lane it would reduce the traffic by approximately 1,000 vehicles.

He stated these figures are assignments taken by vehicles turning left into and right out of intersecting streets along Sharon Lane on the east side development only. These streets are Pelham Lane, Arbor Way and Foxcroft Road.

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Councilman Alexander asked if the opening of Fairview Road will not relieve this condition? Mr. Hoose replied this study was based on the fact that these people in Foxcroft were walled-in and there was only one way out other than into Sharon Lane. Anything you do at Fairview will not help the people in Foxcroft.

Councilman Short asked if there is not more involved than just traffic engineering; that this Council has participated in the opening of SouthPark by arranging the zoning for it and after doing this, is it in order for the Council to unleash this traffic potential on a secluded small street like this? Mr. Hoose replied it would not be routed through, as the street dead-ends.

Mr. Hoose stated he was asked to do a study of this and it is part of his job to do the study; that he is trying to eliminate a problem within the area even without SouthPark. He stated it was brought to his attention that the people were blocked in and Fairview will not get them out; that he is just trying to relieve a condition that is existing here and will continue to exist there for the amount of traffic that Sharon Lane will generate.

Mr. Hoose stated during the construction period, Sharon Lane will be closed to all through traffic and be limited to traffic for the homes abutting Sharon Lane and deliveries and emergencies only. Traffic desiring to enter the area east of Sharon Lane will have to use Red Fox Trail only. The opening of Cavendish Court to Usher Lane to Abingdon Road would aid in easing the movement of traffic in the area during the construction period. That movement into and out of the area west of Sharon Lane is adequate to take care of this section.

Mr. Eric Jonas, with the law firm of Palmer, Jonas and Mullins, stated he is appearing in behalf of many of the residents of the Foxcroft area in opposition. He stated petitions have been filed in opposition signed by residents of the Foxcroft area, copies of which have been sent to each Council member. Mr. Jonas filed additional petitions with the City Clerk.

He stated the Cavendish Court-Usher Lane matter came up in February, 1968 and a variance was approved in the subdivision ordinance to permit Cavendish Court as a dead-end street from Providence Road. He stated all the reasons advanced at that time are still valid for keeping the situation as it is. Foxcroft is a planned, residential area and the streets were not set up to handle arterial traffic. They contend particularly coming from the Sharon Road area makes for a very nice short cut right through the Foxcroft area into Providence Road if this street is opened up. This would put an inordinate amount of traffic into this small residential area.

Mr. Jonas stated Mr. Hoose pointed out the reason he made the study was presumedly to help out a situation that had been complained of by some residents in the area; they say the cure proposed is much worse than the disease. A traffic light has been proposed for Arborway; the residents of this area have spoken up and said what they want; they can live with what they have. They feel what is proposed by the Traffic Engineering Department would ruin the living area they have come to love and intend to continue living in.

Councilman Jordan stated he appreciates the study Mr. Hoose has made, but he moved that the recommendation be denied. The motion was seconded by Councilman Tuttle, and carried unanimously.

Councilman Withrow stated he thinks Council owes Mr. Hoose an apology for asking him to make this study and then being criticized in front of all these people; that he has received the blunt of this, and it is not fair.

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**STREET NAME OF MORETZ AVENUE, EAST OF GRAHAM STREET TO COLLEGE STREET
CHANGED TO TWENTY-EIGHTH STREET.**

A hearing was held on a request to change the name of Moretz Avenue to Twenty-Eighth Street.

Mr. Fred Bryant, Director of Current Planning, stated Moretz Avenue begins at Statesville Avenue, extends across Graham Street, across Tryon Street and culminates at College Street. He stated originally Twenty-Eighth Street extended from College Street across Tryon Street over to a point near Catalina Avenue; the only part of the street actually involved in the street name change was this portion; the remainder had always been Moretz Avenue.

Mr. Bryant stated in the Fall of 1968, a request was received from some of the residents who were concerned about the fact that the street was called Moretz Avenue on one end and Twenty-Eighth Street on the other end. In order to direct anyone to the business located in the area it was necessary to refer them in through Twenty-Eighth Street on to Moretz or vice-versa. As a result of that request two hearings were held by the Council and a Planning Staff recommendation was made to the effect that a portion of Twenty-Eighth Street should be changed to Moretz Avenue in order to make it one continuous name. That action was taken to be effective January 1, 1970. He stated after the street name signs had been changed there was at least one letter to the effect that people were objecting to it being known as Moretz Avenue. The request was to the effect that the street name should be changed back to Twenty-Eighth Street.

Mr. Bryant stated in the portion that was originally Twenty-Eighth Street and changed to Moretz Avenue, there is a total of five businesses and eleven residences using Moretz who formally used Twenty-Eighth Street. On the part that has always been Moretz Avenue, but is requested changed to Twenty-Eighth Street, there are twenty houses and five non-residential facilities utilizing the name Moretz.

Councilman Alexander stated the proposed housing development will front on the portion of the street that was formerly Twenty-Eighth Street, and it will take up most of the area; this means that business is not growing in there and the residential area will encroach on business. That he sees no need to change it back to Twenty-Eighth Street when it is now practically all residential.

Councilman Short asked why there is not the same problem with 30th Street and Norris Avenue? Mr. Bryant replied eventually there will be that 30th Street or Matheson Avenue is a new via-duct that comes across the railroad coming up to Tryon Street; according to the Major Thoroughfare plan that will be extended to tie into Norris; when that happens the same problem will exist. Councilman Short stated that seems to be a little bit of a critical matter just one or two blocks away and it will be a major thoroughfare and if we break up the numerical sequence at the street that is now the via-duct, we might just as well break it up for this street; but if we do not break up the numerical sequence there, then there is a certain logic in maintaining it for this street. Mr. Bryant stated if you do not break it up then you will have Matheson Avenue to a point, then 30th Street and Norris from there on; this will be another three name street in continuous alignment.

Mr. Steve Davis, Carolina Paper Company, stated it has been said that only five businesses have this street address and this is basically correct, but there are probably four times that many businesses involved. That coming out North Tryon Street and coming out Hutchinson Avenue, there has always been a numerical sequence of streets. He stated the representatives of the businesses met in March to try to estimate the total cost involved in this street name change; that Gilbert Beauty Supplies had \$16,000 worth of appointment books they sent out to beauty supply houses all over the Carolinas at 127 West Twenty-Eighth Street. He stated the businesses on Hutchinson would like to have and have signed a petition to the effect that the continuity of the numerical street name is a logical street address.

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Councilman Whittington stated Gilberts has spent \$16,000 for new P. R. material they use to advertise; he asked what will happen to Gilberts if the street name is changed back to Twenty-Eighth Street? Mr. Davis replied they still have those forms; that he still has his and has been ordering all his supplies in short supplies until he could find out where the street name change would wind up.

Mr. Tom Watkins of North Carolina Motor Club stated their office fronts on North Tryon Street but they own a large warehouse to the rear and they own a whole block that will front on 30th Street and Church Street when it is cut through. That people trying to get to the warehouse behind the Motor Club have a horrible time; they come down the numerical streets til they get to Moretz Avenue and they are lost. From his point of view, it would be a big help to have the name changed back to Twenty-Eighth Street.

Councilman Short stated there are dozens of situations in town where a street name is not continuous, and he does not see any tremendous difficulty from having this kind of mixture.

Councilman Short moved that the name be returned to exactly the way it was prior to Council's action in 1968; that the break should come at Catalina Avenue. The motion was seconded by Councilman Jordan.

Councilman Alexander stated it does not make any sense to come up to the middle of the street and change the name of the street; that no one has convinced him that the name should be changed back and he sees no problem from Tryon Street going west with that portion of Twenty-Eighth. But this is a street that is 98% residential and has been for some time, and it will be moreso when the development is built in there. Right now, when you leave the railroad, there is one business on the north side and another business on the opposite side of the railroad, then you skip over Graham Street and there is a vacant lot and then you come to the Fire Station and then you have houses all the way down the street when you come to the section where the Housing Development will be built; on the south side there is nothing but houses.

Councilman Alexander made a substitute motion that the street name remain as it is presently named. The motion did not receive a second.

Councilman Whittington stated Council would make a mistake to support Mr. Short's motion to stop Twenty-Eighth Street just to the east of Catalina and not carry it on to the thoroughfare of North Graham Street; that he agrees with Mr. Alexander that Moretz Avenue should not be changed west of there; Moretz Avenue has always been Moretz through the residential neighborhood; the rest of the streets have been in numerical order from Atando Avenue all the way north to beyond the railroad. He suggested that Mr. Short change his motion to carry Twenty-Eighth Street all the way to Graham Street.

Councilman Short stated changing the name at a major thoroughfare is not out of order. He then restated his motion to read that Moretz Avenue be the name of the street west of Graham Street and Twenty-Eighth Street be the name east of Graham Street. Councilman Jordan, who seconded the original motion, agreed to the change.

Councilman Alexander made a substitute motion that the matter of the street name change be tabled until all the residents on Moretz Avenue are notified. The motion did not receive a second.

Mr. Veeder, City Manager, stated the residents located between the railroad and Tryon Street, were notified of the hearing today.

The vote was taken on the motion and carried by the following vote:

YEAS: Councilmen Short, Jordan, Thrower, Tuttle, Whittington and Withrow.
NAYS: Councilman Alexander.

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CITIZEN ASKS PURPOSE OF DOG TAG WHEN DOGS ARE REQUIRED TO BE FENCED IN OR UNDER CONTROL OF OWNER UNDER THE LEASH LAW.

Mr. William Brown stated he has had a problem ever since the leash law for dogs was passed. That he needs some information and the City Dog Pound, the City Attorney, Legal Aid and no lawyer he went to can give him information that would satisfy him.

He asked when the leash law was passed, if it outlawed the tag requirement for dogs? That according to the City Code of Charlotte and the State Code of North Carolina, the leash law outlawed the tags on dogs in North Carolina. That the law states that in order for a dog to travel public places such as streets, they must have a harness on which a tag must be attached. He stated since the dog has to be in a fence or on a chain, what is the purpose of the tag? That he would like for someone to answer this question.

He stated from what he has heard, the Judge and the City Dog Pound are fining poor people who are not able to afford a tag for their dog, and the City Council has not done anything about it. He stated he is ready to go to jail; that he has not bought a tag and he is not going to buy a tag until someone given him some information. That he has a dog and he is fenced in.

Mr. Brown stated this is not a tax because he pays his tax on his dog at the courthouse; this is not a tax on the dog.

Mr. Underhill, City Attorney, stated the answer to the question is found in the license section of the City Code; this section establishes a \$3.00 per year charge for a license on a dog in the City of Charlotte; regardless of where he keeps the animal if it is in the City of Charlotte he has to buy a \$3.00 a year license tag to satisfy the license section. Also he has to provide that the dog be innoculated which is a requirement of the animal and fowl section; also, he must keep that dog on a leash or fenced in and not allowed to run at large. This is covered by the dog section of the Code.

Councilman Alexander asked the City Attorney if he understands correctly that if he has a dog that he keeps in his house, he must (1) buy a license for the dog; (2) have the dog innoculated, and (3) if he carried the dog outside, it must be under leash? Mr. Underhill replied that is correct, the dog must be under leash or under the control of the owner.

After further discussion, Councilman Whittington asked Mr. Brown to go with the Administrative Assistant, to the City Attorney's office and read the portions of the City Code pertaining to these requirements.

LANDER STREET, FROM TILLMAN ROAD TO THE RAILROAD, CHANGED TO PRITCHARD STREET.

Councilman Withrow moved that the name of Lander Street, from Tillman Road to the railroad, be changed to Pritchard Street, as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle, and carried unanimously.

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ORDINANCE NO. 796-X AMENDING ORDINANCE NO. 732-X, THE 1970-71 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF PORTION OF GENERAL FUND CONTINGENCY TO MINT MUSEUM, BUILDING REPAIRS.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the subject ordinance was adopted authorizing the transfer of \$3,900.00 from the General Fund Contingency to Mint Museum, Building Repairs to paint the exterior of the building.

The ordinance is recorded in full in Ordinance Book 17, at Page 314.

ORDINANCE NO. 797-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A 12 ACRE TRACT OF LAND WEST OF BRIAR CREEK AT THE SOUTHERLY END OF WYANOKE AVENUE AND NEAR LORNA STREET.

Councilman Whittington moved adoption of the subject ordinance changing the zoning from R-6 to R-6MF as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried by the following vote:

YEAS: Councilmen Whittington, Short, Alexander, Jordan, Tuttle and Withrow.
NAYS: Councilman Thrower.

The ordinance is recorded in full in Ordinance Book 17, at Page 315.

PETITION NO. 70-98 BY CHARLOTTE CITY COUNCIL FOR A CHANGE IN ZONING OF PROPERTY ON THE EAST SIDE OF PARK ROAD, BEGINNING AT IDEAL WAY AND EXTENDING 300 FEET SOUTHWARD, POSTPONED UNTIL THIRD MONDAY IN OCTOBER.

Councilman Whittington moved that the subject petition for a change in zoning from O-6 to B-1 be postponed until the 3rd Monday in October. The motion was seconded by Councilman Jordan, and carried unanimously.

ORDINANCE NO. 798-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY NORTH OF I-85 AND AN AREA WEST OF SUGAR CREEK ROAD AND NORTH OF WILSON LANE.

Petition No. 70-79 by Harry M. McConnell, et al, for a change in zoning from R-9 to B-2 of property on both sides of Sugar Creek Road, from Interstate Highway 85 to Wilson Lane and extending north of I-85 to Cannon Avenue was presented for Council decision.

Councilman Whittington moved that the portion of the property north of I-85 be approved for B-2 as requested; that the area west of Sugar Creek Road and north of Wilson Lane be approved for B-1 for a depth of approximately 500 feet except that an area approximately 300' x 200' on the north side of Wilson Lane be approved for O-6; that an area south of I-85 and north of the rear of the lots on Wilson Lane be denied; and the area east of Sugar Creek Road and south of I-85 be denied. The motion was seconded by Councilman Alexander, and carried by the following vote:

YEAS: Councilmen Whittington, Alexander, Jordan, Short, Thrower and Withrow.
NAYS: Councilman Tuttle.

The ordinance is recorded in full in Ordinance Book 17, at Page 316.

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RE-APPOINTMENT OF JOHN C. ERWIN TO THE AIRPORT ADVISORY COMMITTEE AND ADOPTION OF RESOLUTION SUSPENDING CERTAIN PROVISIONS OF A RESOLUTION ADOPTED BY CITY COUNCIL JULY 11, 1960 AS THEY APPLY TO RE-APPOINTMENTS TO THE COMMITTEE.

Councilman Tuttle moved the re-appointment of Mr. John C. Erwin to the Airport Advisory Committee for a five year term and the adoption of the following resolution:

WHEREAS, on July 11, 1960, the City Council adopted a resolution expanding the membership of the Airport Advisory Committee and specifying the committee's duties; and

WHEREAS, a portion of said resolution provided that a member of the Airport Advisory Committee may be appointed to succeed himself only one time; and

WHEREAS, Mr. Erwin has already served two terms on the Airport Advisory Committee and would therefore be ineligible for re-appointment to said Committee; and

WHEREAS, Mr. Erwin has served on said Committee in an outstanding fashion and his experience and leadership is an important factor in the continuation of the vital work done by this Committee.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that:

The portion of the Resolution referred to above providing that a member of the Airport Advisory Committee may succeed himself only one time is hereby suspended as it applies to the re-appointment of Mr. John C. Erwin only, thereby making him eligible for re-appointment to the said Committee.

BE IT FURTHER RESOLVED that except for this specific suspension, the said Resolution, adopted on July 11, 1960, will remain in full force and effect.

The motion was seconded by Councilman Jordan, and carried unanimously.

RE-APPOINTMENT OF SYDNOR THOMPSON TO THE COMMUNITY FACILITIES COMMISSION.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, re-appointing Mr. Sydnor Thompson to the Community Facilities Commission for a two year term.

CONTRACT WITH W. M. HARTIS PLUMBING COMPANY FOR INSTALLATION OF WATER MAINS IN FREEDOM DRIVE.

Councilman Thrower moved approval of a contract with W. M. Hartis Plumbing Company for the installation of 240 feet of water main in Freedom Drive, inside the city, at an estimated cost of \$625.00 with the applicant to advance the full cost of the main and to be reimbursed 50% of the sum over a period of time according to the revenue yield, all in compliance with the Partnership Plan. The motion was seconded by Councilman Short, and carried unanimously.

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RIGHTS OF WAY AGREEMENTS AUTHORIZED.

Upon motion of Councilman Alexander, seconded by Councilman Thrower, and unanimously carried, right of way agreements between the City and State Highway Commission were approved as follows:

- (a) Right of way for the installation of 8-inch water mains in West 12th Street, between North Poplar Street and North Church Street, in connection with the relocation of mains disrupted by the Northwest Expressway.
- (b) Right of way for the installation of an 8-inch water main in Albemarle Road for a distance of approximately 1,600 feet east of Sharon Amity Road.

CLAIM FILED BY JEAN C. ISOM FOR AUTOMOBILE DAMAGE, DENIED.

Councilman Tuttle moved that subject claim in the amount of \$116.46 for automobile damages filed by Mrs. Jean C. Isom, 1301 Queens Road West, be denied as recommended by the City Attorney. The motion was seconded by Councilman Whittington.

Councilman Short asked if the City does not have a duty to inspect trees? Mr. Underhill, City Attorney, replied the City inspects trees located in the public right of way only on a periodic basis; the last inspection of this particular area did not reveal any trees that needed limbs removed or trimmed, nor had the City received any complaints on trees in this area prior to this incident. Councilman Short stated if the City does not inspect frequently enough that a limb could actually die and fall off, then the City is not inspecting often enough.

The vote was taken on the motion and carried by the following vote:

- YEAS: Councilman Tuttle, Whittington, Alexander, Jordan, Thrower and Withrow.
- NAYS: Councilman Short.

CLAIM FILED BY WILLIAM O. DE DECKER FOR AUTOMOBILE DAMAGE, DENIED.

Motion was made by Councilman Whittington to deny the subject claim in the amount of \$240.21, as recommended by the City Attorney. The motion was seconded by Councilman Tuttle, and carried unanimously.

CLAIM FILED BY BERNICE WOOD FOR AUTOMOBILE DAMAGE, DENIED.

Motion was made by Councilman Whittington, and seconded by Councilman Alexander, to deny the subject claim in the amount of \$107.49, as recommended by the City Attorney. After discussion, the vote was taken on the motion, and carried as follows:

- YEAS: Councilmen Whittington, Alexander, Short, Thrower, Tuttle and Withrow.
- NAYS: Councilman Jordan.

ORDINANCE NO. 799 AMENDING CHAPTER 20, SECTION 120 OF THE CITY CODE TO PROVIDE ONE PENALTY FOR DELINQUENT CITATIONS.

Motion was made by Councilman Whittington to adopt the subject ordinance amending Chapter 20, Section 120 of the City Code to provide one penalty for delinquent citations. The motion was seconded by Councilman Short.

Councilman Whittington asked what happened to the concentrated effort being made last year to collect these violators; that Council used to get

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reports on the collections; he asked if this is being done now and who is doing it? Mr. Veeder, City Manager, replied the collections are being made through the Finance Office and the City Attorney's office; and Council has not received a report recently.

The City Manager advised the adoption of the subject ordinance will eliminate the \$3.00 and \$5.00 fees as the timing is too short.

Councilman Withrow asked if the City has boxes in the area where people can drop the citations in without coming down to pay them; that Greensboro has them and it is something Charlotte should have. Councilman Thrower replied this was recommended six months ago. Mr. Veeder stated a report was sent out in the last couple of weeks on this; that actually any mail box will serve the purpose.

Councilman Alexander suggested that the Public Information Officer include this information in the bulletin that he sends out.

After further discussion, the vote was taken on the motion, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 317.

RESOLUTION APPROVING MODIFICATION OF THE ESTIMATED COST AND METHOD OF FINANCING AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN, DOWNTOWN URBAN RENEWAL AREA, NEIGHBORHOOD DEVELOPMENT PROGRAM NO. N. C. A-3.

Motion was made by Councilman Alexander, seconded by Councilman Thrower, and unanimously carried, adopting the subject resolution.

The resolution is recorded in full in Resolutions Book 7, at Page 140.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES.

Councilman Jordan moved adoption of the subject resolution authorizing the refund of certain taxes in the total amount of \$1,173.65 which were levied and collected through clerical error against three taxpayers. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 141.

COMPROMISE SETTLEMENT WITH TED S. LEWIS AND WIFE, PATTI G. LEWIS, FOR PERMANENT EASEMENT IN CONNECTION WITH THE SUGAR CREEK-BRIAR CREEK FLOOD CONTROL PROJECT.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, approving the subject settlement in the amount of \$400.00 for a permanent easement 39 feet in width from the center line of Sugar Creek at 3324 Westfield Road.

COUNCILMAN TUTTLE LEAVES MEETING.

Councilman Tuttle left the meeting at this time, and was absent for the remainder of the session.

COMPROMISE SETTLEMENT WITH J. F. GRADY ESTATE FOR ACQUISITION OF PROPERTY AT 711 NORTH PINE STREET FOR THE NORTHWEST EXPRESSWAY.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, the subject settlement was approved in the amount of \$13,825.00, for acquisition of 62.67' x 165.71' x 77.11' x 215.70' of property.

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MAYOR BELK LEAVES CHAIR.

Mayor Belk left the Chair at this time and Mayor pro tem Whittington presided.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY AT 6501 WILKINSON BOULEVARD FROM BELK ENTERPRISES, INC. FOR THE AIRPORT EXPANSION.

Councilman Thrower moved adoption of the subject resolution. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 142.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, approving the following property transactions:

- (a) Acquisition of 10' x 1,441' of easement at 2800 Forestbrook Drive, from Griffin Realty Company, for sanitary sewer to serve Griffin Realty Company Apartments, at \$1.00.
- (b) Acquisition of 10' x 399' of easement at 3200 West Boulevard from Urban Systems Development Corporation, for sanitary sewer to serve Little Rock Apartments, at \$1.00.
- (c) Acquisition of 20' x 1,190' of easement on Grier's Grove Road, from Violet Grier Miller, for sanitary sewer to serve Capps Hill Mine Road, at \$1,190.00.
- (d) Acquisition of 30' x 2,729.31' of easement at 2400 Roswell Avenue, from Myers Park Club, Inc., for the Briar Creek Outfall, at \$10,800.00.

ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, the subject ordinances were adopted as follows:

- (a) Ordinance No. 800-X ordering the removal of weeds and grass adjacent to 219 Mill Road.
- (b) Ordinance No. 801-X ordering the removal of weeds and grass adjacent 1224 Condon Street.
- (c) Ordinance No. 802-X ordering the removal of weeds and grass adjacent to 1507 Pondella Drive.
- (d) Ordinance No. 803-X ordering the removal of weeds and grass adjacent to 900 Charles Avenue.
- (e) Ordinance No. 804-X ordering the removal of weeds and grass adjacent to 904-08 Charles Avenue.
- (f) Ordinance No. 805-X ordering the removal of weeds and grass adjacent to 2610 East Independence Boulevard.
- (g) Ordinance No. 806-X ordering the removal of weeds and grass adjacent to 1309 West Boulevard.
- (h) Ordinance No. 807-X ordering the removal of weeds and grass adjacent to 3020 Statesville Avenue.
- (i) Ordinance No. 808-X ordering the removal of weeds and grass at 606 Mercury Street.
- (j) Ordinance No. 809-X ordering the removal of weeds and grass at 3400 Oakwood Avenue.
- (k) Ordinance No. 810-X ordering the removal of weeds and grass adjacent to 1004 Pegram Street.

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(continued)

- (l) Ordinance No. 811-X ordering the removal of weeds and grass adjacent to 2133 Selwyn Avenue.
- (m) Ordinance No. 812-X ordering the removal of weeds and grass adjacent to 610 Baldwin Avenue.
- (n) Ordinance No. 813-X ordering the removal of weeds and grass at rear of 100-200 Manning Drive.
- (o) Ordinance No. 814-X ordering the removal of weeds and grass adjacent to 214 Meachum Street.
- (p) Ordinance No. 815-X ordering the removal of weeds and grass adjacent to 1220 South Graham Street.
- (q) Ordinance No. 816-X ordering the removal of weeds and grass adjacent to 209 Soloman Street.
- (r) Ordinance No. 817-X ordering the removal of weeds and grass adjacent to 2309 Sanders Street.
- (s) Ordinance No. 818-X ordering the removal of weeds and grass at corner of Patton & Fairfield Street.
- (t) Ordinance No. 819-X ordering the removal of weeds and grass at 1509 Oliver Street.
- (u) Ordinance No. 820-X ordering the removal of weeds and grass adjacent to 2221 Statesville Avenue.
- (v) Ordinance No. 821-X ordering the removal of weeds and grass adjacent to 901 Bridle Path Lane.
- (w) Ordinance No. 822-X ordering the removal of weeds and grass adjacent to 5401 Addison Drive.
- (x) Ordinance No. 823-X ordering the removal of weeds and grass adjacent to 3726 Driftwood Drive.
- (y) Ordinance No. 824-X ordering the removal of weeds and grass adjacent to 3414 Sudberry Road.
- (z) Ordinance No. 825-X ordering the removal of weeds and grass adjacent to 3421 Ritch Avenue.

The ordinances are recorded in full in Ordinance Book 17, beginning at Page 318.

ORDINANCES ORDERING THE REMOVAL OF ABANDONED MOTOR VEHICLES PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF CHARLOTTE, AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Thrower, seconded by Councilman Withrow, and unanimously carried, adopting the subject ordinance, as follows:

- (a) Ordinance No. 826-X ordering the removal of abandoned motor vehicle at 2110 Norcross Place.
- (b) Ordinance No. 827-X ordering the removal of abandoned motor vehicle at 301 Nelson Avenue.
- (c) Ordinance No. 828-X ordering the removal of abandoned motor vehicle at 6739 Woodstream Drive.
- (d) Ordinance No. 829-X ordering the removal of abandoned motor vehicle at 1109 Euclid Avenue.
- (e) Ordinance No. 830-X ordering the removal of abandoned motor vehicle at 411 North Poplar Street.
- (f) Ordinance No. 831-X ordering the removal of abandoned motor vehicle at 2100 Yadkin Avenue.

The ordinances are recorded in full in Ordinance Book 17, beginning at Page 344.

Later in the meeting, Councilman Alexander stated at one time the City was behind in removing abandoned motor vehicles, and did not know exactly when they could get to them. He asked if this situation has improved?

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Mr. Bobo, Administrative Assistant, replied the City is trying to keep up with the situation. There are a number of problems; one has to do with the legal requirements. That the City is moving about 100 a month compared to being at a standstill a year ago.

Councilman Alexander asked if there is no way to do away with the legal requirement that takes place on the removal of cars? Mr. Underhill, City Attorney, replied only with the consent of the owners; and changing the state statutes would help.

ORDINANCES ORDERING THE DEMOLITION AND REMOVAL OF DWELLINGS PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE, AND ARTICLE 15, CHAPTER 160, OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Short moved that the subject ordinances be adopted as follows:

- (a) Ordinance No. 832-X ordering the demolition and removal of dwelling at 2424 Pitts Drive.
- (b) Ordinance No. 833-X ordering the demolition and removal of dwelling at Duke Street, Map Book 15, Page 115.
- (c) Ordinance No. 834-X ordering the demolition and removal of dwelling at 1408 Tinnin Street.
- (d) Ordinance No. 835-X ordering the demolition and removal of dwelling at 610 North Caldwell Street.
- (e) Ordinance No. 836-X ordering the demolition and removal of dwelling at 812-14 East 9th Street.
- (f) Ordinance No. 837-X ordering the demolition and removal of dwelling at 522 Beatties Ford Road.

The motion was seconded by Councilman Alexander.

No opposition was expressed to the demolition of the dwellings. The vote was taken on the motion and carried unanimously.

The ordinances are recorded in full in Ordinance Book 17, beginning on Page 350.

MAYOR BELK RETURNS TO CHAIR.

Mayor Belk returned to the Chair at this time and presided for the remainder of the Session.

SPECIAL OFFICER PERMIT APPROVED FOR GROVER SMITH, JR.

Councilman Jordan moved approval of the issuance of a Special Officer Permit for a period of one year to Mr. Grover Smith, Jr. for use on the premises of Johnson C. Smith University. The motion was seconded by Councilman Whittington, and carried unanimously.

CHANGE IN STATE STATUTES RELATING TO ABANDONED MOTOR VEHICLES TO BE INCLUDED IN LIST OF ITEMS TO BE PRESENTED TO STATE DELEGATION.

Councilman Alexander requested that changes in the State Statutes relating to the removal of abandoned motor vehicles be added to the list of items to be presented to the State Legislature. Mr. Underhill, City Attorney, stated the League of Municipalities is also interested in this. Councilman Alexander stated the City should add strength to whatever the League is doing and let them know that the City is also concerned.

Councilman Alexander moved that Council put the request for a change in the Legislature concerning abandoned vehicles on the list to be presented to the Delegation. The motion was seconded by Councilman Jordan, and carried unanimously.

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CITY MANAGER REQUESTED TO SET UP MEETING BETWEEN COUNCIL AND DELEGATES TO RALEIGH IN MIDDLE OF NOVEMBER TO DISCUSS MATTERS TO COME BEFORE THE STATE LEGISLATURE.

Mayor Belk requested the City Manager to set aside a meeting in the middle of November, before Thanksgiving, to meet with all our Delegates to Raleigh to go over everything the City would like to present.

POLICE COMMUNITY RELATIONS PROGRAM IN THE MODEL NEIGHBORHOOD AREA, APPROVED.

Council was advised the Police Department is recommending approval of a Police Community Relations Program to work out of the Model Neighborhood Community Centers. That the City has been awarded a \$57,966 Grant under the Omnibus Crime Control Safe Street Act to implement the program with the local share of \$38,644.00 to be funded from the Model Cities Program Supplemental Funds. The Police Department will direct and administer a program of the "Precinct" type in each of the two Model Neighborhood Social Service Centers; that each facility, staffed by two police officers, two sub-professionals and clerical help will establish a program to improve communications between the police and community residents.

Councilman Alexander moved approval of a Memorandum of Understanding between the City and MICU Planning Agency; a Memorandum of Understanding between the City and the Model Neighborhood Commission, and the adoption of an ordinance amending the 1970-71 Budget Ordinance authorizing the addition of eleven (11) positions in the Police Department, as follows: (1) Four police community relations officers; (2) four project assistants; (3) one Research Assistant I; and (4) two Clerk II positions. The motion was seconded by Councilman Withrow.

Councilman Whittington stated he likes the language "Precinct type". That if we want to get better communication and better rapport with the people in a neighborhood then we will have to look at other areas for "precinct type" police protection. That this will be a place where the policemen are there in some sort of precinct and will get out of a car and walk out and be in contact; that he would like to let the rest of Charlotte know that we are thinking about this type of thing in other areas where there is a high crime rate. That the Model Cities area is not the only place where the crime rate is high. He stated a lot of these things are beginning to come out in these seminars being held; that the seminars are beneficial and will help Chief Goodman and his Department, and the law enforcement agencies. That he does not want us to come up with the word "precinct" and say we are going to do this in one area and not think about doing it in other areas; there are problems in other areas just as severe as in Model Cities. He asked that they do all that can be done for the whole city. That he thinks we should look at this precinct type as it has been working effectively in other cities.

Councilman Alexander stated in answer to the question of what Model Cities is doing, here is an ocular demonstration of what the police department can do to improve its image, enforcement through Model Cities programming and the funding that comes through the Omnibus Control Safe Street Act. If we also give to the community this fact and let them know how these types of things are being tried through funding from the Model Cities Program and the results are fruitful, then we have a better gimmick to request enough money from tax increases if necessary or to justify increases in the police budget. All of this is the thing that helps improve our police department's work and at the same time we could not do it and cannot do what Mr. Whittington is talking about unless we have funds to do it.

Chief Goodman stated there are now five men in their Community Relations Division, and this addition will double the size of the Division.

The vote was taken on the motion, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 356.

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TRANSFER OF CEMETERY DEEDS.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of cemetery lots, as follows:

- (a) Deed with James K. Gillespie, Jr. for Lot No. 119, Section 6, Oaklawn Cemetery, transferred from James K. Gillespie, Sr., Heirs, at \$3.00, for transfer deed.
- (b) Deed with Mrs. Dorothy F. Springer for Graves 1 and 2, in Lot No. 704, Section 6, Evergreen Cemetery, at \$160.00.
- (c) Deed with Mrs. Bonnie T. Weinoldt for Grave No. 5, in Lot No. 186, Section 2, Evergreen Cemetery, at \$80.00.
- (d) Deed with Joe H. Helms for Graves No. 3 and 4, in Lot No. 747, Section 6, Evergreen Cemetery, at \$160.00.
- (e) Deed with Mrs. Marie O. Smith for Grave No. 2, in Lot No. 742, Section 6, Evergreen Cemetery, at \$80.00.

CONTRACT AWARDED WESTERN CAROLINA TRACTOR COMPANY FOR DIESEL-POWERED CRAWLER TRACTOR.

Councilman Whittington moved award of contract to the low bidder, Western Carolina Tractor Company, in the amount of \$43,045.00, on a unit price basis, for one diesel-powered crawler tractor. The motion was seconded by Councilman Thrower, and carried unanimously.

The following bids were received:

Western Carolina Tractor Co.	\$43,045.00
E. F. Craven Company	44,952.00

CONTRACT AWARDED E. F. CRAVEN COMPANY FOR SELF-LOADING EARTHMOVER PAN WITH TRACTOR.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder meeting specifications, E. F. Craven Company, in the amount of \$63,443.00, on a unit price basis, for one self-loading earthmover pan with tractor.

The following bids were received:

E. F. Craven Company	\$63,443.00
Interstate Equipment Co.	65,929.00

Bid not meeting specifications:

Western Carolina Tractor Company	\$63,228.00
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CONTRACT AWARDED A. E. FINLEY & ASSOCIATES, INC. FOR TWO LANDFILL COMPACTORS.

Motion was made by Councilman Short to award contract to A. E. Finley & Associates, Inc. on their low alternate bid, in the amount of \$103,728.00, on a unit price basis, for two landfill compactors. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

<u>Base Bid</u> - Compactors without air conditioned cabs	
A. E. Finley & Associates, Inc.	\$102,768.00
E. F. Craven Company	109,047.40

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Alternate Bid - With Air Conditioned Cabs.

A. E. Finley & Associates, Inc.	\$103,728.00
E. F. Craven Company	110,797.40

CONTRACT AWARDED E. F. CRAVEN COMPANY FOR EIGHT LEAF LOADERS.

Councilman Alexander moved award of contract to the only bidder meeting specifications, E. F. Craven Company, in the amount of \$43,032.00, on a unit price basis, for eight leaf loaders. The motion was seconded by Councilman Jordan, and carried unanimously.

Bids not meeting specifications:

Interstate Equip. Co.	\$33,880.00
A. E. Finley & Associates	24,000.00

CONTRACT AWARDED ATLANTIC ENVELOPE COMPANY FOR WATER BILL ENVELOPES.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Atlantic Envelope Company, in the amount of \$4,968.00, on a unit price basis for water bill envelopes.

The following bids were received:

Atlantic Envelope Co.	\$ 4,968.00
Double Envelope Co.	\$ 5,390.28
Charlotte Paper Co.	\$ 5,542.14
Dillard Paper Co.	\$ 6,743.07

CONTRACT AWARDED T. A. SHERRILL CONSTRUCTION COMPANY, INC. FOR STREET IMPROVEMENTS TO ELLINGTON STREET EXTENSION.

Councilman Jordan moved award of contract to the low bidder, T. A. Sherrill Construction Company, Inc., in the amount of \$9,176.00, on a unit price basis, for street improvements to Ellington Street Extension. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

T. A. Sherrill Const. Co., Inc.	\$ 9,176.00
Crowder Construction Co.	10,225.00
Sanders Brothers, Inc.	10,364.50
Blythe Brothers Company	10,395.00

CONTRACT AWARDED EASTMAN KODAK COMPANY FOR MICROFILM INFORMATION STORAGE AND RETREIVAL SYSTEM.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, awarding contract to the only bidder, Eastman Kodak Company, in the amount of \$32,360.00, for microfilm information storage and retrieval system.

CONTRACT AWARDED JENNITE COMPANY OF THE CAROLINAS FOR APPLYING PROTECTIVE EMULSION SEAL TO AIRPORT APRON.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Jennite Company of

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the Carolinas, in the amount of \$6,580.00, on a unit price basis, for applying a protective emulsion seal to 42,000 square yards of airport apron.

The following bids were received:

Jennite Company of the Carolinas	\$ 6,580.00
Specialty Contractors	8,316.00
Propst Construction Co., Inc.	15,665.00

COUNCILMAN JORDAN LEAVES MEETING.

Councilman Jordan left the meeting at this time and was absent for the remainder of the session.

COMMENT ON FEDERAL COORDINATING OFFICE OPERATION.

Councilman Alexander stated some three years ago he expressed concern about the City's need for an office to ride herd on federal programs and to keep Council abreast of federal programming as it affected things the City was doing and the things that could be done.

He stated he is not satisfied the City is getting its money's worth out of the federal coordinating office operation. That personally he would like to see a very marked improvement in the operation of that office, or he feels we cannot afford the luxury of it.

MOTION THAT INNER-CITY AREA BOUNDED BY FIFTH STREET, GRAHAM STREET, HIGHWAY SYSTEM AND CHURCH STREET BE CONSIDERED FOR PARK AREA.

Councilman Alexander stated Charlotte has fast lost any land area for inner-city parks. Any discussion about inner-city parks or any kind of parks seems to run into a dead-end. He recommended that some consideration be given to the in-town area bounded by Fifth Street on the south, Graham Street on the west, the Highway System on the north, and Church Street on the east to ask for some statements as to whether or not consideration should be given to the area for park purpose or if it would be feasible. He stated this land is practically vacant now, and if it is to be considered, now is the time to do it. If we are to have a genuine concern for the development of park land in the City inconjunction with the uptown development and the tying-in of green area with it, this section of land would offer much for this type of development.

Councilman Alexander stated this is the most wooded section of land in the inner-city; it will lend itself very favorably in that respect; it is tied in to the Old Settler's Cemetery and it can be developed for most anything anyone would want in this area.

He stated we need to look at it from the point of view of considering it for parks or else we need to forget talking about being genuinely concerned with parks in the inner-city or anywhere else. Immediate consideration should be given to looking into this proposal and coming back to Council with a report on the feasibility, desirability or possibilities of the area being developed in this direction.

Councilman Short stated he would like to back up Mr. Alexander on this. This should be looked into; that he has walked through the area several times between Fifth and Tenth Street and between Church Street and the large area west of there. He stated there are only about 16 homes in there and they are quite old and in addition, there are three or four apartments and the Salvation Army Building. He suggested that a motion be made to ask Mr. Odell and Mr. Walker and the other members of the Park and Recreation Commission to look into this and come back with a report to Council.

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Councilman Alexander moved that Council take under consideration the possibilities, feasibilities and probabilities of the development of the area bounded by Fifth Street on the south, Graham Street on the west, Church Street on the east and the Highway System on the north for an inner-city park. The motion was seconded by Councilman Short.

Councilman Short requested Mr. Alexander to include in the motion that Mr. Odell and the Chairman of the Park and Recreation Commission be asked to look into the possibilities of the area for park purposes. Councilman Alexander accepted the amendment to the motion.

The vote was taken on the motion as amended and carried unanimously.

CITY MANAGER REQUESTED TO SET SPECIAL MEETING TO HEAR PROGRESS REPORT ON THE SANITATION DEPARTMENT UNDER THE NEW ORDINANCE.

Councilman Alexander stated sometime ago Mr. Hopson, Public Works Director, was requested to give Council a report on the progress being made in the Sanitation Department under the new ordinance. He asked if this will come to Council soon? The City Manager replied a progress report will be given to Council at its earliest convenience.

Councilman Whittington moved that the City Manager set up a separate meeting and give it enough time so that Mr. Hopson can make his presentation and Councilmembers can ask questions. The motion was seconded by Councilman Alexander, and carried unanimously.

Councilman Alexander stated this would be a good time to hear what some of the sanitation workers have to say about the operations under the new setup. That he would like to ask that some of these men come in; that he sees no better ways to stop fires than to put them out before they get started. Councilman Whittington stated he cannot vote for anything like that. Councilman Alexander stated there should be sometime when Council also hears what the workers have to say.

Mayor Belk suggested that Mr. Hopson decide about the program and if he wants to bring in some of the employees, then he can have that as part of the program.

REPORT ON 45 MPH SPEED LIMIT ON 30TH STREET AND BRODIE GRIFFITH VIA-DUCT REQUESTED.

Councilman Short requested the City Manager to have the Traffic Engineer to advise Council his opinion of a 45 MPH Speed Limit along new 30th Street and the Brodie Griffith Via-Duct.

REPORT REQUESTED ON WHETHER OR NOT BOULEVARD HOMES PLANS CALL FOR PLAY AREA AND GREEN AREAS.

Councilman Withrow stated he was called out to the Boulevard Homes to check on the parks in the area. He stated he understood that these housing projects would have one central park. That there may be one swing in back of 15-20 apartments and then back of another set, another swing. That they are located in the setback area of the apartments, and he does not think this is right. The children are running across the streets and everywhere because they do not have anyplace to play.

Councilman Withrow stated sometime ago he suggested that all housing projects, whether it is low income housing or what type of housing, should have their own parks to service these areas. He stated a study should be made in these areas where projects are being built and there be certain requirements for adequate play areas and green area, aside from the necessary setback.

Councilman Withrow requested that a report be made on whether or not the Boulevard Homes plans call for a park.

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WEEK OF SEPTEMBER 28 THROUGH OCTOBER 2 PROCLAIMED AS COURTESY WEEK.

Mayor Belk read a proclamation setting the week of September 28 through October 2 as Courtesy Week.

DISCUSSION OF APPROVAL OF DEED FOR SALE OF LIBRARY PROPERTY AT RANDOLPH AND GAYNOR ROADS, AND ADJOURNMENT OF MEETING.

Mr. Underhill, City Attorney, stated Mr. Galvin, Executive Director of the Charlotte-Mecklenburg Library Board, has requested that Council approve the sale of public library property at Randolph Road and Gaynor Road. He stated City Council approved the execution of an option between the Public Library Humble Oil and Refining Company on November 24, 1969. Humble has now indicated to the Public Library they desire to exercise the option, and the deed has been drawn. That a local act of the State Law requires the City Council and the Board of County Commissioners to give approval of any sale of Library property. The County Commissioners have already given their approval to sell the property, and a like approval is needed on behalf of the Public Library from the City Council.

Councilman Whittington stated he thinks this should be delayed. That because this was controversial and because two members who opposed the zoning change on the property are now absent, he thinks this should wait until all members of Council are present.

Mr. Underhill stated the option was approved unanimously; a rezoning request petition was filed and the vote on that was three to three with the Mayor breaking the tie in order to rezone the property.

Councilman Withrow asked why this is being brought up again; if you approve an option, it is the same as a sale? The City Manager advised Council approval is required.

Mr. Talley, Attorney representing the Library Board, stated this is simply a request for the approval of a deed to implement the sale for which the option was approved; that Humble is exercising the option and a closing session is set for tomorrow morning at 11:00 o'clock based on the assumption they would get this final approval of the deed. The State Statutes requires Council approval of the sale.

Councilman Alexander moved approval of the execution of the deed.

Councilman Short asked if the approach that would be made toward the Council in this matter is something in the nature of a mandamus or is it some sort of effort on the part of the Oil Company to sue for violation of the option contract? Mr. Talley replied you could go either way; that the approach Humble will take is that we entered into the option which they exercised after the rezoning.

Councilman Whittington stated his suggestion is only a matter of courtesy to these people who were opposed to the zoning request. That he thinks we owe these men that courtesy.

Councilman Alexander stated after this matter of zoning was approved, then the matter of individual opposition becomes a mute question, and this is a new ball game and a new ball field. That he knows if he was involved in a piece of property like this, he would feel in the passing of the zoning matter, whether it was by one vote or four, it passed and he would accept it as approval to consummate this contract. He stated this is not political; we resolved the politics of it when the vote was taken, and this is why he says we can go ahead and resolve the matter now, and not be hurting anyone's feelings. Mr. Talley

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stated the point is this is a request to ask for permission to consummate the transactions as it was originally designed, and originally set up in the option approval.

Councilman Thrower stated this is no more than a legal requirement and something we are honor bound to do. He stated he would therefore second Mr. Alexander's motion to approve the execution of the deed.


Councilman Whittington stated all seven members of Council gave the option; all he is asking that courtesy be given for Mr. Tuttle and Mr. Jordan to be present when it is voted on. Councilman Alexander stated he does not take away from his fellow colleagues any courtesy whatsoever; that he says after the vote prior was taken and the issue was resolved, from that point on, we are dealing with a new subject, and it evolves itself around a legal position and this is why he says we are duty bound to go ahead and finish consummating the contract.

Councilman Short stated he cannot renege on a legal obligation but he can understand the desire to extend courtesy in this matter.

(DURING FURTHER DISCUSSION, COUNCILMAN WHITTINGTON LEFT THE MEETING AND WAS ABSENT FOR THE REMAINDER OF THE SESSION.)

Councilman Short moved that the meeting be adjourned. The motion was seconded by Councilman Thrower.

The Mayor declared the meeting adjourned.


Ruth Armstrong, City Clerk